IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

**THE HONOURABLE MR. JUSTICE K.T.SANKARAN**

THURSDAY, THE 13TH DECEMBER 2007 / 22ND AGRAHAYANA 1929

**SA.No. 759 of 1995**

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*( AS.122/1988 of I ADDL. DISTRICT COURT, KOLLAM*
*OS.20/1983 of SUB COURT,KOTTARAKKARA )*

APPELLANTS/APPELLANT NO.4, RESPONDENT NO.2 AND APPELLANT NOS. 7 TO 11 IN THE LOWER APPELLATE COURT. :

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1. SHAHUL HAMMED RAWTHER AMEER KANNU RAWTHER, THEVANKOTTU, PLAVILA VEEDU, CHERIYA VELINELOOR MURI, ELAMADU VILLAGE.

2. SHAHUL HAMEED RAWTHER ABDUL KHADER RAWTHER, -DO- -DO-

3. SAFIYA BEEVI. D/O. MEERA SAHIB, THEVANKOTTU, BISMILLA MANZIL, CHERIYA VELINELLOR MURI, ELAMADU VILLAGE.

4. RAZIYA BEEGUM, D/O. SUBAIR KANNU RAWTHER, -DO- -DO-

5. NAZAR KHAN, S/O. SUBAIR KANNU RAWTHER, -DO- -DO-

6. SUJA BEEGUM, D/O. SUBAIR KANNU RAWTHER, -DO- -DO-

7. SEENA BEEGUM, D/O. SUBAIR KANNU RAWTHER, -DO- -DO-

BY ADV. SRI.P.S.USUPH

RESPONDENTS/RESPONDENT NO.1 AND 4 TO 6 AND APPELLANT NOS. 3,5,6 AND 12 TO 20 IN THE LOWER APPELLATE COURT:

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1. SHAHUL HAMEED RAWTHER MOHAMMED KANNU RAWTHER, THEVENKOTTU, PLAVILA VEEDU, CHERIYAVELINELLOOR MURI, ELAMADU VILLAGE.

2. PICHA RAWTHER MOHAMMED KANNU RAWTHER, THEVANKOTTU, KOCHUVILAYIL VEEDU, CHERIYA VELINELLOOR MURI, ELAMADU VILLAGE.

3. SALIM, NEDUMKAITHAYIL VEEDU, OYOOR,
CHERIYA VELINELLOOR MURI, ELAMADU VILLAGE.

4. HASHIM OF -DO- -DO-

5. BEEVI KUNJU AYSHA BEEVI, RAHIM MANZIL,
ANJU KANNU, MANANTHAVADI DESOM, WYNAD DISTRICT.

6. BEEVI KUNJU PATHUMMAL BEEVI, MANJU QUARTERS,
VAYACKAL MURI, UMMANNOR VILLAGE.

7. SHAHUL HAMEED RAWTHER MUDAR KANNU RAWTHER,
THEVANKOTTU PLAVILA VEEDU,
CHERIYA VELINELOOR MURI, ELAMADU VILLAGE.

8. UTHUMAN KANNU RAWTHER, NEDUMKAITHAYIL VEEDU,
OYOOR CHERIYA VELINELLOOR MURI, ELAMADU VILLAGE.

9. UMMER KANNU, NEDUMKAITHAYIL VEEDU, OYOOR,
CHERIYA VELINELLOOR MURI, ELAMADU VILLAGE.

10. ABDUL MAJEED OF -DO- -DO-

11. NAUSHAD OF -DO- -DO-

12. KHADEEJA BEEVI OF -DO- -DO-

13. SAFIYA BEEVI OF -DO- -DO-

14. SULEKHA OF -DO- -DO-

15. HASEENA OF -DO- -DO-

16. SAJEENA OF -DO- -DO-

BY ADV. SRI.V.N.ACHUTHA KURUP
ADV. SRI.B.S.SWATHY KUMAR

THIS SECOND APPEAL HAVING BEEN FINALLY HEARD ON 13/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**K.T. SANKARAN, J.**

**.....**

**S.A. No. 759 OF 1995**

**.....**

**Dated this the 13th December, 2007**

**J U D G M E N T**

On 22.11.2007, two weeks' time was granted to cure the defects. Learned counsel for the appellants submitted that he has received a letter dated 28.11.2007 sent by appellant No.5 stating that he is in Andhra Pradesh and that another appellant is in England. It is submitted that it is stated in the letter that most of the respondents who are not served are in the Gulf country. Learned counsel submits that appellant No..5 has expressed his inability to furnish the details so as to cure the defects.

Accordingly, the Second Appeal is dismissed for default.

**K.T. SANKARAN,**
**JUDGE.**

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**K.T. SANKARAN, J.**

**.....**

**S.A. No. 759 of 1995**

**.....**

**Dated this the 13th December, 2007**

**J U D G M E N T**